

REMARKS

This is in response to the Office Action mailed on May 19, 2006 in which claims 13-17 were allowed, claims 1 and 7 were rejected, and claims 2-6 and 8-12 were objected to. With this Amendment, claims 1, 2, 7, and 8 have been amended. Claims 1-17 are pending in this application.

Allowed Claims

The allowance of claims 13-17 is gratefully acknowledged.

Allowable Subject Matter

Claims 2-6 and 8-12 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Examiner's indication of allowable subject matter is gratefully acknowledged.

Claim 2 has been amended to include all of the limitations in independent claim 1, and is therefore in condition for allowance. Claims 3-6 depend from amended claim 2, and are allowable therewith.

Claim 8 has been amended to include all of the limitations in independent claim 7, and is therefore in condition for allowance. Claims 9-12 depend from amended claim 8, and are allowable therewith.

Claim Rejections - 35 U.S.C. § 103

Independent claims 1 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's Prior Art Figure 1 in view of Smith et al. (USP 6,189,901)("Smith"). With this Amendment, independent claims 1 and 7 have been amended. The amendments to claims 1 and 7 raise no new issues that would require additional searching by the Examiner.

Amended independent claim 1 recites “[a] concrete pumping truck . . . comprising an auxiliary axle system . . . comprising a pair of steerable wheels and a pair of spaced axles pivotally connected to a respective one of the pair of steerable wheels . . .” There is no teaching, suggestion, or motivation in any of the prior art references, including the Smith patent, to utilize “a pair of spaced axles” in an auxiliary axle system. For example, as shown in Figure 5 of the Smith patent, a single axle is disposed between a pair of wheels. In particular, according to Smith, “[d]isposed at opposite ends of the axle 160 may be spindles 164 about which rotate the brake drums 166, wheels 169, and tires 19.” (Col. 15, lines 23-25.) Since the prior art does not provide a teaching, suggestion, or motivation to include a “pair of spaced axles” connected to a respective one of a pair of steerable wheels as recited in amended independent claim 1, claim 1 distinguishes over the prior art and is in condition for allowance.

Amended independent claim 7 recites “[a]n auxiliary axle system for a concrete pumping truck having a truck frame and a hopper . . . comprising . . . means connected to the truck frame for supporting a pair of wheels in a spaced relationship from the rear end of the truck adjacent to the hopper, the means including a pair of spaced axles pivotally connected to a respective one of the pair of wheels . . .” Once again, there is no teaching, suggestion, or motivation in any of the prior art references, including the Smith patent, to utilize “a pair of spaced axles” in an auxiliary axle system. Since the prior art does not provide a teaching, suggestion, or motivation to include a “pair of spaced axles” as recited in amended independent claim 7, claim 7 distinguishes over the prior art and is in condition for allowance.

CONCLUSION

In view of the foregoing, all pending claims 1-17 are in condition for allowance. A notice to that effect is requested. The Examiner is invited to contact the undersigned at the telephone number listed below if such a call would in any way facilitate the allowance of this application.

Respectfully submitted,

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